

Appl. No. 09/802,120
Arndt. dated July 21, 2004
Reply to Office Action of April 26, 2004

PATENT

REMARKS/ARGUMENTS

Drawing Objections

To address paragraphs 3-6 of the Office Action, amendments to the drawings are proposed. Specifically, FIGs. 3 and 5 are amended and new FIG. 6 is added. FIG. 6 depicts a jump table. Should these changes be found acceptable, amended formal drawings will be prepared. Adding FIG. 6 to the specification will be also done at that time.

Specification Objections

In accordance with the Office Action, pages 13 and 14 are amended to correct the typographical errors found by the Examiner.

Claim Amendments

The specification is amended to correct several oversights that are grammatical, clerical or typographical in nature that were found by the Examiner. Additionally, the claims are modified in the amendment. More specifically, claims 1 and 19 have been amended; no claims have been cancelled; and no new claims have been added. Therefore, claims 1-30 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

Double Patenting

Claims 19, 24-27 stand as provisionally rejected under 35 U.S. C. §101 the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11, 13-18 of copending Application No. 09/802,289. Amended claim 19 is believed to be patentably distinct from the copending application. Reconsideration is respectfully requested.

Allowable Subject Matter

Applicant notes with appreciation that claims 8 and 17 are indicated as allowable.

35 U.S.C. §112 Rejection

Claims 21 through 23 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 19 is amended to include antecedent basis. Reconsideration is respectfully requested.

35 U.S.C. §102/103 Rejections, Patel et al. and Drabenstott et al.

All claims are variously rejected in the Office Action with five separate rejections. First, the Office Action has rejected claims 1-5, 7, 9-15 and 18 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,338,160 to Patel et al. (hereinafter "Patel"). Second, the Office Action has rejected claims 19, 20, 24, 26 and 28 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,366,999 to Drabenstott et al. (hereinafter "Drabenstott"). Next, the Office Action has rejected claims 6 and 16 under 35 U.S.C. §103(a) as being unpatentable over Patel. Fourth, the Office Action has rejected claims 21 and 23 under 35 U.S.C. §103(a) as being unpatentable over Drabenstott in view of Patel. Lastly, the Office Action has rejected claim 25 under 35 U.S.C. §103(a) as being unpatentable over Drabenstott.

Patel is cited for the proposition that a register in the register file of the processing core holds the program counter value as required all claims. Reliance on Patel for this proposition goes too far. Patel has hardware JAVA registers **44** that are *outside* of CPU **25**. Patel, FIG. 3. Those JAVA registers hold the program counter (PC), but those JAVA registers are *not* within the processing core "and should not be confused with the general registers **46** or **48** which are operated upon by the central processing unit **26**." Id., col. 4, line 66 through col. 5, line 2. Considering the whole of Patel, it is clear that the PC is not in the register file of the processing core.

Patel is also cited for the proposition that the processing core is a VLIW configuration, but Applicant believes that is not supported in the Patel specification. Patel says that "the *parent case* can also be used with superscalar CPUs or very long instruction word

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(VLIW) computers." Id., col. 7, lines 32-34. The parent case in the priority claim is Application No. 09/208,741, which has never been published, such that the Applicant cannot easily get a copy of this application. One can only presume that Patel (i.e., the present reference, not the parent) does not contemplate the use of VLIW or why would the quoted statement only specify the parent. Should reliance on Patel for this proposition be maintained, Applicant requests a copy of the parent be provided such that response to that reference can be formulated.

The dependent claims believed are allowable for at least the reasons given for their corresponding independent claims. Applicant adds, however, that claim 2 requires that a zero register *always* store a zero. Although a register in Patel may be initialized to zero, that register does not *always* store a zero, which would require a permanence that Patel cannot be relied upon for teaching or suggesting. Reconsideration of the claims is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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Attachments

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